

NATIONAL CANNERS ASSOCIATION

INFORMATION LETTER

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CONFERENCE ON HOURS AND WAGES PROVISIONS OF CANNERS' CODE

An informal conference with the National Recovery Administration officials on the hours and wages provisions of the canners' basic code was held at Washington on October 25. Preliminary to the conference the Labor Committee appointed by President Hutchinson of the National Canners Association met for two days with officers and other representatives of the various state and commodity canners' associations to formulate the provisions that would be presented at the conference with the Government authorities.

At the conference on Wednesday, Mr. Walter White, representing the NRA presided, and there were also present representatives of the Labor Advisory Board, Consumers Advisory Board, and the Legal Division of the NRA. The canning industry was represented by the Labor Committee and by canners appearing for various canning districts and for various branches of the industry.

As a result of the conference, various suggestions as to revisions in the proposed wage and labor provisions were taken under consideration by the Labor Committee at meetings following the conference. The Labor Committee, by a resolution adopted on the day preceding the conference, was given authority to take final action with respect to the provisions that are to be incorporated in the code before the public hearing on the code is held.

The wages and hours provisions which were the subject of the informal conference and which will constitute Article IV of the basic code that will later be up for a public hearing are as follows:

SECTION I.

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing.

(c) Processors shall comply with the maximum hours of labor, minimum rates of pay and other conditions of employment, approved or prescribed by the President.

SECTION II.

No person under 16 years of age shall be employed by any processor.

Where state laws require higher wages or shorter hours of employment, than provided in this code, such provisions shall be complied with in such state.

The provisions of this code shall not apply to agricultural employees.

SECTION III.

Geographical wage differentials, due to different living costs and economic conditions and available labor supply exist in the industry, and are controlled mainly by plant location. The following wage districts have been established:

(a) *Northern District.*

North of and excluding Delaware, Maryland, Virginia, West Virginia, Kentucky, Missouri, Oklahoma, New Mexico and Arizona and the four counties in Pennsylvania of York, Lancaster, Adams and Franklin but including California, Oregon, Washington and Alaska.

(b) *Intermediate District.*

The states of Maryland, Delaware and the four counties in Pennsylvania of York, Lancaster, Adams and Franklin.

(c) *Southern District.*

South of and including Virginia, West Virginia, Kentucky, Missouri, Oklahoma, New Mexico and Arizona.

(d) *Hawaiian District.*

Territory of Hawaii.

SECTION IV.

(a) No processor shall employ any accounting, clerical, banking, office, service or sales employee (except outside salesmen) in any store, office, department or establishment for more than 40 hours in any one week, except that during periods of inventory taking and financial closing (limited to not more than 5 weeks in any 12 months), such employees may be employed not exceeding 48 hours in any one week.

(b) No processor shall employ any factory or mechanical worker or artisan more than 35 hours in any one week.

(c) The maximum hours fixed in paragraphs (a) and (b) shall not apply to employees in establishments employing not more than two persons in towns of less than 2,500 population; nor to technical persons employed in their profession; nor to employees in executive, managerial or supervisory capacities who receive more than \$25 per week; nor to employees engaged wholly or partially in performing the functions of wholesale or retail distribution (not including those employees engaged in manufacturing or production operations) provided they are not employed more than 48 hours in any one week; nor to factory watchmen provided they are not employed more than 48 hours in any one week; nor to power-plant employees and repair crews provided they are not employed more than 48 hours in any one week; nor to chauffeurs and delivery men provided they are not em-

ployed more than 48 hours in any one week; nor to any worker or employe during the processing season for seasonable perishable products, including salmon and other sea foods, where the restriction of hours would cause loss or deterioration of raw materials or loss to producers of raw commodities, nor to operations in preparation for the canning of salmon or other sea foods or connected with the installation, maintenance and operation of salmon and other sea foods fishing appliances, nor to the preparation for shipping and shipping operations themselves in Alaska and Hawaii. Population for the purpose of this code shall be determined by reference to the 1930 Federal Census.

(d) No employe of any processor shall be paid less than the following rates whether employed on an hourly, daily, weekly, monthly, seasonal or yearly basis—

Northern District: 30 cents per hour in towns of 250,000 or more; 25 cents per hour in towns of less than 250,000

Intermediate District: 27½ cents per hour in towns of 250,000 or more; 22½ cents per hour in towns of less than 250,000.

Southern District: 25 cents per hour in towns of 250,000 or more; 20 cents per hour in towns of less than 250,000.

Hawaiian District: The minimum rate for the same class of work as on July 15, 1929.

(e) No employe classified in subparagraph (a) of this section shall be paid less than—

\$15.00 per week in any city of over 500,000 population

14.50 per week in any city between 250,000 and 500,000

14.00 per week in any city of between 2,500 and 250,000.

In towns of less than 2,500 population all such employes shall be paid wages not less than 20 per cent over the weekly rate paid on July 15, 1933, provided this will not require wages in excess of \$12.00 per week.

(f) Where a piece work system is employed, the total wages of those employes, for the period so employed, must at least average the minimum wage for that wage district.

(g) Persons who, on account of the infirmities of age or some physical disability can not do the work of able-bodied workers may be employed, provided, however, that such employes shall not exceed in number 5 per cent of the total workers employed by a processor. Their compensation, if on piece work, shall be the regular piece rates; if on a time basis, they shall be paid what they are worth, measured by the output of fair, average able-bodied workers, but in no case shall this be less than 80 per cent of the minimum rate for unskilled workers.

PENALTIES PRESCRIBED FOR P. R. A. AND CODE VIOLATION

In an Executive order issued on October 17 the President proclaimed that "no one shall falsely represent himself to be discharging the obligations or complying with the provisions of the President's Reemployment or of any Code of Fair Competition . . ." and added "no one shall display or use any emblem or insignia or any reproduction of any emblem or insignia of the National Recovery Administration" contrary to the regulations issued by General Johnson. Violations of the latter's

regulations will be punishable under Section 10 (a) of the Recovery Act, according to the Executive order. The text of the regulations issued by General Johnson follows:

By virtue of the authority vested in me by Executive orders issued by the President, dated June 16, 1933, July 15, 1933, and October 14, 1933, I hereby prescribe the following rules and regulations which I deem necessary to supplement, amplify or carry out the rules and regulations prescribed in the last mentioned Executive order:

1. The emblem, popularly known as the "Blue Eagle," a reproduction of which appears upon the upper left hand corner of this page, is the emblem of the National Recovery Administration, and the property of the United States Government.

2. Any person who has obtained the said emblem by signing a Certificate of Compliance with the President's Reemployment Agreement or with an approved code of fair competition for his trade or industry, may display or use said emblem so long as such person continues to comply therewith, unless otherwise provided by rules or regulations prescribed by the Administrator for Industrial Recovery.

3. When, in the judgment of the said Administrator or his duly authorized representatives, any person has failed to comply with said agreement or code, or when any person has improperly obtained said emblem, such person shall surrender said emblem on demand of the said Administrator or his duly authorized representative, and shall not thereafter display or use the same without the written permission of the said Administrator.

4. Nothing in these rules and regulations shall be construed so as to prevent the display or sale by any person whatsoever of goods or packages marked by others with the said emblem as evidence of compliance as aforesaid, except that such display or sale shall not be made in such manner as to indicate compliance by such person.

5. Any person who violates any of the foregoing rules and regulations may be punished, as provided in Section 10 (a) of the National Industrial Recovery Act, by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed six months, or both.

PROCESSING TAX ON CORN

The processing tax on corn applies to field corn. Sweet corn used for canning is therefore not subject to the tax, but field corn, if canned, is subject to the various taxes imposed on field corn by the Agricultural Adjustment Administration under authority of the Agricultural Adjustment Act. The floor stocks tax on corn applies to stocks in manufacturers' or jobbers' hands on November 5 or in retailers' hands on December 5.

EXEMPTION OF SUBSTANDARD WORKERS FROM P. R. A.

Further explanation of the method by which mentally or physically substandard workers may be employed in industry at less than the minimum wages set up in the President's Reemployment Agreement, was made by the National Recovery Administration on October 16.

"A person," it was announced, "whose earning power is limited because of physical or mental defect, age or other infirmity, may be employed on light duty below the minimum wage set by the President's Agreement, if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. State authorities will be guided by the instructions of the United States Department of Labor in issuing certificates to such persons."

EXECUTIVE ORDER ON NRA TARIFF PROCEDURE

Under the procedure adopted for administering the section of the National Industrial Recovery Act relating to competitive imports, the National Recovery Administration is empowered by the President to make preliminary investigations, to receive complaints from interested parties and to make recommendations to the President. On the basis of these recommendations, the President may dismiss the complaint or may direct the United States Tariff Commission to make an investigation. Such hearing as the President may designate will also be held. On the basis of the facts disclosed in the Tariff Commission investigation and at the hearings, the President will take such action as seems to him necessary to safeguard the codified industries.

The National Recovery Administration will be the court of first resort under the administrative set-up. All complaints of alleged destructive competition of imports with codified American industries must be sent to the President, and three copies mailed to the Imports Division of the National Recovery Administration, Washington, D. C.

Complaints may be filed by "any labor organization, or any trade or industrial organization or group which has complied with the National Industrial Recovery Act by having in actual operation a code or agreement pursuant thereto."

Ordinarily, complaints should be made by a trade, industrial, or labor organization, or by a group (organized or unorganized) of producers representing more than half of the production of the article or articles which it is claimed are affected by competition from imports.

Under the law, action may be taken under section 3(e) only when imports of the article or articles which are the subject of complaint are substantial or are being entered in increasing ratio to domestic production of any competitive articles. The complainant must be prepared to furnish definite and detailed evidence that imports are on such terms or conditions as to render

ineffective or seriously to endanger the maintenance of any code or agreement.

All other information necessary to complainant may be obtained by writing to Oscar D. Ryder, Imports Division, National Recovery Administration, Washington, D. C.

PACIFIC COAST CHERRY PACK

Following are statistics on the pack of cherries in California and the Northwest as compiled by the Canners League of California and the Northwest Canners Association, respectively:

	1930	1931	1932	1933
CALIFORNIA	Cases	Cases	Cases	Cases
No. 2½ (24 to case)	170,043	94,153	87,956	240,481
No. 10 (6 to case)	51,587	44,315	54,206	67,857
No. 3 (24 to case)	801	500	100	
No. 2 (24 to case)	28,315	8,570	9,161	21,279
No. 1-T (48 to case)	48,432	22,671	18,236	50,245
No. 1-F (48 to case)	130	45	26	100
8 Oz. 3¼ inch (72 to case)	62,556	36,291	35,227	20,151
8 Oz. 3 inch (72 to case)	18,709	2,032	1,839	1,923
Miscellaneous	384	8	54	00
Total	387,647	208,585	200,805	402,135
No. 2½ basis	309,370	199,801	184,019	392,533
NORTHWEST a				
No. 2½ (24 to case)	243,583	40,573	133,724	241,362
No. 10 (6 to case)	280,288	128,453	116,027	231,451
No. 2 (24 to case)	68,499	18,135	25,559	27,893
No. 1 (48 to case)	52,301	10,520	24,393	30,595
8 Oz. (72 to case)	68,829	14,437	15,236	21,878
Total	713,500	212,118	314,939	553,080
No. 2½ basis	604,053	194,460	297,580	524,778

a Includes Idaho pack in 1930.

TERM "EXECUTIVES" DEFINED

Reports reaching National Recovery Administrator Hugh S. Johnson of code evasions through the medium of giving meaningless titles such as "Assistant Manager" to minor employees merely to exempt them from the maximum hour and other clauses of the P. R. A. and the modified approved codes, caused the Administrator to issue a statement on October 13 defining "Managers" and "Executives." The statement follows:

"In the President's Reemployment Agreement it is provided that the maximum hours shall not apply 'to employees in a managerial or executive capacity who now receive more than \$35 per week.'

"There are provisions in various codes excepting from the limitation upon hours of those described as 'managers' or 'executives' and complaint has been received that in many instances employees are classified as 'managers' or 'executives' either for

the purpose, or with the result, of exempting them from limitations upon hours. It has not been the intention of the Administration in approving such exceptions to provide for the exemption of any persons other than those who exercise real managerial or executive authority, which persons are invested with responsibilities entirely different from those of the wage earner and come within the class of the higher salaried employees.

"It will be presumed that no employee receiving less than \$35 per week will be classified as a 'manager' or 'executive' so as to be exempt from any provision of any code regulating the maximum hours of work permitted in a trade or industry. Violations of the requirements of any code, as here interpreted, should be reported to the National Recovery Administration."

PACK OF SHRIMP

The pack of shrimp during the week ending October 18, as reported to the Shrimp Section of the National Cannery Association, totaled 44,341 cases, making the total pack since August 507,957 cases.

CANNED FOOD EXPORTS IN SEPTEMBER

Canned food exports in September again showed general increases over the corresponding period last year, the most marked increases being in canned meats and fish. The monthly statistics as compiled by the Department of Commerce follow:

Articles	September, 1932		September, 1933	
	Pounds	Value	Pounds	Value
Canned meats, total.....	898,030	\$177,409	1,209,012	\$300,590
Beef	56,244	12,724	107,380	29,974
Pork	750,791	148,291	971,804	246,592
Sausage	62,246	12,002	81,734	18,333
Other	28,749	4,392	48,085	5,601
Canned vegetables, total.....	1,614,785	126,543	2,173,391	180,645
Asparagus	478,458	58,734	1,006,921	103,091
Baked beans, and pork and beans	427,303	14,801	259,747	14,111
Corn	67,354	4,562	81,820	5,205
Peas	65,753	5,921	169,379	13,160
Soups	152,114	17,218	151,585	16,173
Tomatoes	260,169	13,324	331,074	21,505
Other	163,634	11,983	172,865	13,400
Condensed milk	570,053	74,082	312,305	36,494
Evaporated milk	2,573,930	150,594	2,885,394	179,743
Canned fruits, total.....	63,256,137	4,126,057	51,785,258	3,159,748
Apples and applesauce	740,728	28,134	775,046	28,134
Apricots	5,730,840	342,000	2,527,728	150,147
Loganberries	606,148	60,904	928,880	75,157
Other berries	259,800	19,465	21,574	2,495
Cherries	74,918	6,415	102,102	10,329
Fruits for salad	7,777,648	775,178	3,486,783	334,728
Grapefruit	415,760	28,504	1,370,375	79,491
Peaches	24,049,517	1,381,306	22,310,268	1,196,974
Pears	20,297,273	1,304,712	18,291,848	1,107,320
Pineapple	1,758,878	132,709	1,777,705	150,863
Prunes	159,328	11,372	58,107	4,922
Other	395,230	35,259	134,833	10,188
Salmon	3,992,441	426,268	4,950,782	641,917
Sardines	2,198,025	128,350	3,016,772	171,250

FARM PRICE SITUATION IN OCTOBER

The general level of prices received by farmers in October was apparently about the same as in mid-September, according to the U. S. Department of Agriculture. Prices of grains, potatoes and cattle declined, whereas hog prices increased some. Prices received by farmers in mid-September were 70 per cent of the 1910-1914 average compared with 72 in August, 76 at the year's high point in July, and 59 in September last year. Prices paid by farmers have, on the other hand, continued to increase since March. The index of prices paid by farmers rose from 100 per cent of the pre-war average in March, to 116 on September 15.

PRODUCTION AND STOCKS OF CANNED MILK

	1933	1932	Change
Manufacturers' stocks (case goods) Oct. 1:	Pounds	Pounds	Per Cent
Evaporated (33 firms).....	208,028,618	170,185,762	+18.07
Condensed (7 firms)	14,083,251	18,672,040	-21.36
Total production, Sept.:			
Evaporated (32 firms)	120,382,209	107,916,118	+11.55
Condensed (6 firms)	3,444,029	4,067,320	-26.21

VOLUNTARY CHAINS INCREASE

A recently issued directory of voluntary chains lists 781 groups with a retail membership of 90,787 stores, as compared with 688 groups with 83,244 members in 1932.

COMMISSION REPORTS ON CHAIN STORE PRICES

The Federal Trade Commission has issued another report on chain stores, this latest volume dealing with price policies. The report deals, among other things, with the bases of chain store prices, the control of pricing operations, extent of price variability, reasons for variations in selling prices, competitive price policies of chain stores, and local aspects of chain-store competition.

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